

(10/00Fee\$)

Docket: D-2875

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Stephen Donovan )  
Serial No: 09/489,667 )  
Filed: 01/19/2000 ) Group Art Unit: 1653  
For: CLOSTRIDIAL TOXIN DERIVATIVES AND ) Examiner: Kam, Chih Min  
METHODS FOR TREATING PAIN )

Commissioner for Patents  
Washington, D.C. 20231

**NOTICE OF APPEAL**

Sir:

This Notice of Appeal is being submitted in response to the July 11, 2001 Final Office Action and the December 12, 2001 Advisory Action issued by the United States Patent and Trademark Office regarding the above-identified application. A response to the Office Action was filed WITHIN TWO MONTHS (i.e., September 11, 2001). The Advisory Action was mailed AFTER THREE MONTHS from the mailing date of the Office Action (i.e., December 12, 2001). Accordingly, the fee for any extension of time is to be calculated from the mailing date of the Advisory Action (i.e., December 12, 2001). A response with a one month extension of time is due January 12, 2002; however, the six month statutory period for responding to the Final Office Action expires January 11, 2002. Accordingly, this Notice of Appeal is being timely filed before the expiration of the six month statutory period

Applicant hereby petitions for a one-month extension of time.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Applicant's Deposit Account No. 01-0885:

1. [X] Notice of Appeal fee amount \$320 (large entity).
2. [X] A one month extension of time fee in the amount of \$110.
3. [X] If any additional extension of time is required, please consider this a petition therefor and charge any additional fees, which may be required, to Applicant's Deposit Account.

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- 4. ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- 5. ☒ Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,



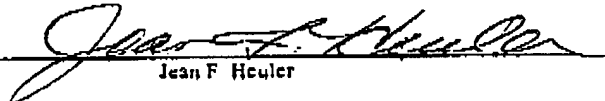
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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents in Washington, DC 20231, to fax number 703-872-9307, on or before January 9, 2002.

Signature: \_\_\_\_\_

  
Jean F. Heuler

Date January 9, 2002